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*Attorneys for Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

LINDA SISTO, a widow; TASHINA  
SISTO, an unmarried woman; TYRELL  
SISTO, an unmarried man; JEREMY  
SISTO, an unmarried man; KASHINA  
SISTO, an unmarried woman;  
LANNETTE SISTO, an unmarried  
woman; and PURCELL SISTO, an  
unmarried man,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant,

Case No.:

**COMPLAINT**

Plaintiffs LINDA SISTO, TASHINA SISTO, TYRELL SISTO, JEREMY  
SISTO, KASHINA SISTO, LANNETTE SISTO, and PURCELL SISTO, “hereinafter  
the Sisto family” for their Complaint against the Defendant, allege as follows:

**JURISDICTION AND VENUE**

1  
2 1. The Court has jurisdiction over the claims against the United States of  
3 America pursuant to 28 U.S.C. § 1346 (b). On or about July 22, 2019, the Sisto family  
4 filed an administrative claim with the appropriate agencies, to wit, the United States  
5 Indian Health Services, the United States Department of Health and Human Services,  
6 and the Department of Justice/United States Attorney in compliance with 28 U.S.C.  
7 Section 2675. Now six months after the administrative claim has been filed, the agencies  
8 have taken no action on said claim. The Sisto family treat their claim as being rejected  
9 and file this action pursuant to the Federal Tort Claims Act.

10 2. The acts giving rise to this action occurred on the San Carlos Apache  
11 Reservation in Arizona, making venue proper in this district pursuant to 28 U.S.C. §  
12 1402(b).

13 3. The medical care complained of was rendered at the San Carlos Apache  
14 Healthcare Corporation Hospital on the San Carlos Apache Reservation in the State of  
15 Arizona.

**FEDERAL TORT CLAIMS ACT**

16 4. This action is brought pursuant to the Federal Tort Claims Act (“FTCA”).  
17 The Sisto family’s claims are for money damages arising from the wrongful death of  
18 Tyrone Sisto caused by the medical negligence of Federal Government employees acting  
19 within the scope of their employment under circumstances where a private person would  
20 be liable under Arizona state law.

21 5. At all times relevant to this action, physicians, nurses, and medical  
22 personnel at the San Carlos Apache Healthcare Corporation Hospital were employees  
23 working in the course and scope of their employment for the Indian Health Services,  
24 now the United States Public Health Service, a United States government agency  
25 providing health and medical services to the San Carlos Apache people under the  
auspices of the United States Department of Health and Human Services, which are also  
agencies of the United States of America.

1           6. Plaintiff Linda Sisto is the natural mother of the decedent Tyrone Sisto,  
2 Plaintiffs Tashina Sisto, Tyrell Sisto, Jeremy Sisto, Kashina Sisto, Lannette Sisto and  
3 Purcell Sisto are the natural born children of Tyrone Sisto, who died on August 8, 2017.

4           7. The United States of America, through its agencies, the Department of  
5 Health and Human Services and Indian Health Services, now the United States Public  
6 Health Service, operates the San Carlos Apache Healthcare Corporation Hospital.

7           8. The Sisto family allege upon information and belief that Dr. Rickey Gross  
8 was, and at all times material hereto, an employee of San Carlos Apache Healthcare  
9 Corporation Hospital and a resident of the State of Arizona.

10          9. At all times material hereto Dr. Rickey Gross was acting within the course  
11 and scope of his employment with San Carlos Apache Healthcare Corporation Hospital  
12 and the United States of America.

12                           **FACTUAL ALLEGATIONS**

13          10. On August 4, 2017, Tyrone Sisto was fifty-one years old when he  
14 presented to the San Carlos Apache Healthcare Corporation Hospital for headache, body  
15 aches and poor appetite with an onset of three days prior. He was an otherwise healthy  
16 51 year-old man.

17          11. At the hospital Tyrone was seen by Dr. Rickey Gross, an employee of San  
18 Carlos Apache Healthcare Corporation Hospital.

19          12. The results of his lab results were notable for Hyponatremia,  
20 hyperglycemia, elevated liver enzymes, elevate bilirubin and thrombocytopenia.

21          13. Dr. Gross' documented assessment of Tyrone was: 1. Viral syndrome, 2.  
22 Viral myalgia. After receiving IV fluids, pain and nausea medication he was discharged  
23 home.

24          14. There was no explanation given by Dr. Gross as to why a diagnosis of viral  
25 illness was founded. Dr. Gross did not examine Tyrone for Rocky Mountain Spotted  
Fever, and did not prescribe or start him on Doxycycline despite being in a region  
known for a high prevalence of this disease.

1           15. On August 8, 2017 just four days after presenting himself to Dr. Gross at  
2 the emergency room in San Carlos Apache Healthcare Corporation Hospital, Tyrone  
3 was found dead in his home. He had a rash all over his body and there were ticks all  
4 over the room and one on his body.

5           16. On August 28, 2017 the Center for Disease Control issued a final report of  
6 Tyrone's blood drawn on August 4, 2017 during his hospital visit which confirmed  
7 Rocky Mountain Spotted Fever via Rickettsia molecular detection.

### **MEDICAL NEGLIGENCE**

8           17. The Sisto family re-allege and incorporate by reference all allegations set  
9 forth in the preceding paragraphs of the complaint.

10           18. In providing medical care, attention, treatment and advice to Tyrone Sisto  
11 as described above, Defendant and their agents and employees failed to administer that  
12 degree of care, skill and learning expected of a reasonable healthcare provider in the  
13 same profession, class and/or applicable medical area or specialty in this state acting in  
14 the same or similar circumstances; and such failures constituted medical negligence and  
15 resulted in and were the cause of emotional injuries to the Sisto family and the death of  
16 Tyrone Sisto.

17           19. As a direct and proximate result of the negligence of Defendant, and its  
18 agents and employees, the Sisto family have and will continue to suffer emotional  
19 injuries and distress over the suffering and death of Tyrone Sisto.

20           WHEREFORE, the Sisto family demands judgment against Defendant as follows:

- 21           A. For general and special damages that a jury or Court could consider to be
- 22           full, fair and just compensation including, but not limited to, damages for
- 23           the wrongful death of TYRONE SISTO, whose family has suffered severe
- 24           grief, loss of support, love, affection, warmth and companionship as a
- 25           result of his death;
- B. For an award of taxable costs in connection with this action; and
- C. For such other and further relief as the Court deem just and proper.

1 RESPECTFULLY SUBMITTED this 28th day of January, 2020.

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